BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

| IN RE: | April 8, 2002 | |
|---|---------------|---------------------|
| APPROVAL OF THE COLLOCAT AGREEMENT NEGOTIATED BY | CARONET,) | DOCKET NO. 02-00021 |
| INC. AND UNITED TELEPHONE- SOUTHEAST, INC. PURSUANT TO SECTIONS 251, AND 252 OF THE | | |
| SECTIONS 251 AND 252 OF THE TELECOMMUNICATIONS ACT O | OF 1996) | |

ORDER APPROVING COLLOCATION AGREEMENT AND AMENDMENT THERETO

The Petition for Approval of the Collocation Agreement Negotiated Between Caronet, Inc. and United Telephone-Southeast, Inc. Pursuant to the Telecommunications Act of 1996 came before the Tennessee Regulatory Authority (the "Authority") at the March 12, 2002 Authority Conference. The Agreement was filed on January 3, 2002 and an Amendment was filed on March 6, 2002. The Agreement and Amendment came before the Authority pursuant to 47 U.S.C. § 252.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and Amendment and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The Agreement and Amendment are in the public interest as they provide consumers with alternative sources of telecommunications services within the United Telephone-Southeast, Inc. service area.

¹ The Amendment to the Collocation Agreement corrected an inaccurate reference to United Telephone Company of the Carolinas.

3) The Agreement and Amendment are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier not a party to the agreement" or if the implementation of the agreement "is not consistent with the public interest, convenience or necessity." Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d). Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement and Amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

6) The Agreement and Amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Collocation Agreement and Amendment thereto negotiated by and between Caronet, Inc. and United Telephone-Southeast, Inc. are approved and are subject to the review of the Authority as provided herein.

Sara Kyle, Chairman

H. Lynn Greer, Jr., Director

ATTEST:

K. David Waddell, Executive Secretary

² See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).